



Agenda Date: 8/16/00

Agenda Item: IV-A

STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

CABLE TELEVISION

IN THE MATTER OF THE PETITION OF)
GARDEN STATE CABLEVISION, L.P.)
D/B/A GARDEN STATE CABLE TV FOR)
RENEWAL OF A CERTIFICATE OF)
APPROVAL FOR THE BOROUGH OF)
AUDUBON PARK, COUNTY OF CAMDEN,)
STATE OF NEW JERSEY)

RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE99100817

Thomas C. Kelly, Esq., West Caldwell, New Jersey, for the Petitioner.

Borough Clerk, Borough of Audubon Park, New Jersey, Patricia McCreery, for the Borough.

BY THE BOARD:

On March 21, 1975, the Board granted Cable Systems, Incorporated ("Cable Systems") a Certificate of Approval in Docket No. 749C-6053 for the construction, operation and maintenance of a cable television system in the Borough of Audubon Park ("Borough"). On November 16, 1980, in Docket No. 8010C-6722, the Board approved the transfer of the Certificate of Approval from Audubon to New York Times Company d/b/a New York Times Cable Company of New Jersey ("NYT"). In a subsequent transfer approved by the Board on July 26, 1989, in Docket No. CM89030342, NYT assigned the Certificate of Approval to Garden State Cablevision, L.P. ("Petitioner"). On September 26, 1991, the Board granted the Petitioner a Renewal Certificate of Approval in Docket No. CE91061036 for the Borough. Although the Petitioner's Certificate expired on March 21, 2000, it is authorized to continue to provide cable television service to the Borough pursuant to N.J.S.A. 48:5A-25.

The Petitioner filed an application for the renewal of its municipal consent with the Borough on or about April 29, 1999, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Borough, after public hearing, adopted an ordinance on September 8, 1999, granting renewal municipal consent to the Petitioner. The Petitioner formally accepted the terms and conditions of the ordinance on September 22, 1999, in accordance with N.J.S.A. 48:5A-24.

On October 20, 1999, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Borough. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board HEREBY FINDS the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Certificate of Approval. Further, these qualifications were reviewed by the Borough in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.

2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is fifteen years. The Office of Cable Television finds the duration to be reasonable. The Borough has reserved the right to examine the Petitioner's performance to determine if the Petitioner has met the conditions as stated in the ordinance. If the Borough determines that the Petitioner has not met its commitments, it shall then petition the Board for appropriate action.
5. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates, and promptly file any revisions thereto.
6. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
7. The Petitioner shall maintain a local business office for the purpose of receiving, investigating and resolving complaints. The Petitioner currently maintains local offices located at: 1250 Haddonfield-Berlin Road, Cherry Hill; 558 Lakehurst Road, Browns Mills; and 144 S. Broadway, Pittman.
8. The franchise fee to be paid to the Borough is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Borough. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
9. The Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate (Appendix "I") for residential areas. The minimum homes per mile ("HPM") figure is 30. All commercial areas, including residential units that are located in those commercial areas, will be constructed on a cost basis pursuant to the Petitioner's tariff.
10. In accordance with its application and the municipal consent ordinance, the Petitioner shall provide public, educational and governmental ("PEG") access facilities. The Petitioner shall provide one shared PEG access channel. An SVHS camcorder and microphone will be made available for non-commercial access users.
11. The Petitioner shall provide the standard installation of one outlet and full basic cable service, free-of-charge, to each school and/or library in the Borough.

Based upon these findings, the Board HEREBY CONCLUDES that pursuant to N.J.S.A. 48:5A-17 and 28, the Petitioner has sufficient financial and technical capacity and meets the

legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is HEREBY ISSUED this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Borough.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions, and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein.

The Petitioner shall adhere to the operating standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. Section 76.1 et seq. Any modifications to the provisions thereof, shall be incorporated into this Certificate. Additionally and more specifically, the Petitioner shall adhere to the technical standards of 47 C.F.R. Part 76, Subpart K.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions, and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire March 21, 2015.

DATED: August 16, 2000

BOARD OF PUBLIC UTILITIES
BY:

(signed)

HERBERT H. TATE
PRESIDENT

(signed)

CARMEN J. ARMENTI
COMMISSIONER

(signed)

FREDERICK F. BUTLER
COMMISSIONER

ATTEST:

(signed)

FRANCES L. SMITH
BOARD SECRETARY